WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

HOUSE BILL No. 1356

Originating (By Mr. in the House Committee on
Health and Welfare)

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PASSED March 9, 1975

In Effect ninety days from Passage

1356
ENROLLED

H. B. 1356

(Originating in the House Committee on Health and Welfare)

[Passed March 9, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of death.

Be it enacted by the Legislature of West Virginia:

That section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 19. UNIFORM ANATOMICAL GIFT ACT.

§16-19-1. Definitions.

1  (a) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage or distribution of human bodies or parts thereof.

4  (b) "Death" means that a person will be considered dead if in the announced opinion of the attending physician, based on ordinary standards of medical practice, the patient has experienced an irreversible cessation of spontaneous respiratory and circulatory functions; or, in the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, based on ordinary standards of medical practice, the patient has experienced an irreversible cessation of spontaneous brain functions.
(c) "Decedent" means a deceased individual and includes a stillborn infant or fetus.
(d) "Donor" means an individual who makes a gift of all or part of his body.
(e) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.
(f) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.
(g) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate trust, partnership or association, or any other legal entity.
(h) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.
(i) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Morris  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. A. F. Moore  
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

L. J. M. Marsalee  
Speaker House of Delegates

The within ________ day of __________, 1975, approved this the 22nd day of __________, 1975.

Anna Sheely  
Governor
PRESENTED TO THE
GOVERNOR

Date  3/19/75
Time  4:10 p.m.